

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN WILSON, ET AL.

v.

JOSHUA DEWEES, ET AL.

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CIVIL ACTION

NO. 10-3915

ORDER

AND NOW, this 8th day of July, 2013, upon consideration of Defendants Officer Joshua Dewees, Officer David Brockway and the City of Chester for Partial Dismissal of Plaintiff's Complaint under Federal Rule of Civil Procedure 12(b)(6) (ECF No. 8), and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part, as follows:

1. All claims asserted under the Pennsylvania Constitution in Count II of the Complaint are **DISMISSED** with prejudice;
2. Counts III is **DISMISSED** in its entirety with prejudice;
3. Count IV is **DISMISSED** in its entirety with prejudice;
4. All claims asserted against the City of Chester are **DISMISSED** with prejudice;
5. Defendant's Motion as to the malicious prosecution claims asserted by Plaintiff Wilson against Defendants Brockway and Dewees in Count VI is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRICK